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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEREMIAS B. BERDOS; ERLINDA
BERDOS,

Plaintiffs,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

2:12-CV-8 JCM (CWH)

ORDER

Presently before the court is defendants Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, LP, ReconTrust Company, N.A., Mortgage Electronic Registration Systems, Inc., Merscorp, Inc., and Bank of New York Mellon's motion to dismiss. (Doc. #2). *Pro se* plaintiffs Jeremias B. Berdos and Erlinda Berdos failed to file an opposition.

The property at issue in this case is located at 7916 Brent Leaf Avenue, Las Vegas, NV 89131. (Doc. #1). Plaintiffs purchased this property with a \$440,000.00 loan, which was secured with a deed of trust. (Doc. #3, Exs. A and B). Plaintiffs defaulted on the loan, and defendant ReconTrust recorded a notice of default. (Doc. #3, Ex. H). To date, no foreclosure sale has occurred.

Pursuant to Nevada Local Rule 7-2(d), "the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion." However, the court will not automatically grant every unopposed motion. In *Ghazali v. Moran*, 46

1 F.3d 52, 53 (9th Cir. 1995), the Ninth Circuit held that the court had to weigh the following factors
2 before dismissing the action: (1) the public's interest in expeditious resolution of litigation; (2) the
3 court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
4 favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions.

5 Plaintiffs failed to oppose the motion to dismiss, and the court further finds that the *Ghazali*
6 factors weigh in favor of dismissing the action as to these defendants. *Ghazali*, 46 F.3d at 53; *see*
7 *also* LR 7-2(d).

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above-captioned case
10 be, and the same hereby is, DISMISSED as to defendants Bank of America, N.A., as successor by
11 merger to BAC Home Loans Servicing, LP, ReconTrust Company, N.A., Mortgage Electronic
12 Registration Systems, Inc., Merscorp, Inc., and Bank of New York Mellon.

13 DATED February 22, 2012.

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16 **UNITED STATES DISTRICT JUDGE**
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